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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 TDY HOLDINGS, LLC and TDY
11 INDUSTRIES, INC.,

12 Plaintiffs,

13 v.

14 UNITED STATES OF AMERICA, *et al.*,

15 Defendants.

Civil No. 07cv0787 JAH(POR)

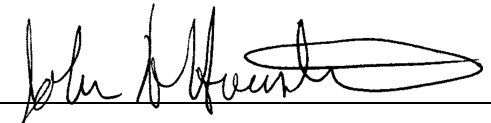
**ORDER DENYING PLAINTIFFS'
AND COUNTER-DEFENDANTS'
EX PARTE REQUEST FOR LEAVE
TO FILE NOTICE OF
ADDITIONAL AUTHORITY
[DOC. # 149]**

16 Plaintiffs and counter-defendants TDY Holdings LLC and TDY Industries, Inc.
17 (“TDY”) have filed an *ex parte* request seeking leave to file a notice of additional authority.
18 *See* Doc. # 149. Specifically, TDY seeks to submit additional briefing concerning a newly
19 filed case entitled United States v. Saporito, ___ F.Supp.2d ___, No. 07C 3169, 2010 WL
20 489703 (N.D. Ill. Feb. 9, 2010). Doc. # 149 at 1. TDY wishes to submit such briefing
21 in an effort to supplement the prior briefing submitted in support of TDY’s motion for
22 summary judgment currently under submission with this Court. Id. at 1-2.

23 The government opposes TDY’s request. *See* Doc. # 150. According to the
24 government, the newly filed case referenced by TDY is distinguishable from this case such
25 that the additional authority would provide nothing further in support of TDY’s motion.
26 Id. at 2-3. In any event, the government posits that “adequate ‘notice’” of the existence
27 of Saporito has already been given through the filing of the instant request, thus rendering
28 TDY’s request unnecessary. Id.

1 This Court agrees with the government. Since the Court is now aware of the
2 existence of this case, it can determine for itself the relevance and applicability of the case
3 to the issues and arguments presented in TDY's motion for summary judgment, without
4 adding further briefing to the massive amount of information presently before this Court.
5 Accordingly, TDY's *ex parte* request for leave to file notice of additional authority is
6 **DENIED.**

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8 DATED: March 19, 2010

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11 JOHN A. HOUSTON
12 United States District Judge
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